

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION

No. 11-md-02293 (DLC)

This Document Relates to:

ALL ACTIONS

**DECLARATION OF ALLISON SHEEDY IN SUPPORT OF THE MOTION TO STAY
PROCEEDINGS AND COMPEL ARBITRATION BY
DEFENDANT PENGUIN GROUP (USA), INC.**

I, Allison Sheedy, under penalty of perjury and on oath, duly declare and state as follows:

1. I am an attorney licensed to practice law in Washington, D.C. and am counsel at the law firm of Akin Gump Strauss Hauer & Feld, LLP, attorneys for Penguin Group (USA), Inc in the above-captioned matter. I submit this Declaration in Support of the Motion to Stay Proceedings and Compel Arbitration by Defendant Penguin Group (USA), Inc.

2. I have full knowledge of the facts set forth herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of the **Amazon Kindle License Agreement and Terms of Use**, last revised September 28, 2011, retrieved from the following website on March 2, 2012: http://www.amazon.com/gp/help/customer/display.html/ref=hp_left_sib?ie=UTF8&nodeId=200506200.

2. Attached hereto as **Exhibit B** is a true and correct copy of the **Barnes & Noble Terms and Conditions of Use**, last revised April 18, 2011, retrieved from the following website on March 1, 2012: http://www.barnesandnoble.com/include/terms_of_use.asp.

3. Attached hereto as **Exhibit C** is a true and correct copy of the **Amazon Kindle License Agreement and Terms of Use**, dated January 19, 2010, retrieved from the following website on March 2, 2012: <http://web.archive.org/web/20100119202731/http://www.amazon.com/gp/help/customer/display.html?nodeId=200399690>.

4. Attached hereto as **Exhibit D** is a true and correct copy of the **Barnes & Noble Terms and Conditions of Use**, dated March 30, 2010, retrieved from the following website on March 2, 2012: http://web.archive.org/web/20100330023445/http://www.barnesandnoble.com/include/terms_of_use.asp.

